

Message Text

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SUBJECT: DRAFT HUMAN RIGHTS REPORT ON HAITI

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EMBASSY'S DRAFT OF 1978 HUMAN RIGHTS REPORT ON HAITI FOLLOWS FOR
DEPARTMENT COMMENTS AND CONSIDERATION.

BEGIN TEXT.

1. SETTING

AS IS WELL KNOWN, HAITI CONTINUES TO BE THE POOREST COUNTRY
IN THE WESTERN HEMISPHERE. IT FACES SEVERE ECONOMIC AND SOCIAL
PROBLEMS: OVERPOPULATION; LIMITED ARABLE LAND, SUB-DIVIDED
INTO SMALL PLOTS AND PLAGUED BY EROSION; A LACK OF MINERAL
WEALTH; VERY LITTLE INDUSTRY; A HIGH RATE OF ILLITERACY
(OVER 80 PERCENT); A PEASANT MAJORITY THAT DOES NOT SPEAK
THE COUNTRY'S OFFICIAL LANGUAGE - FRENCH; A STIFF CLASS
STRUCTURE; AND A TRADITIONAL SCHISM BETWEEN THE URBAN AND RURAL
SECTORS.

HAITI HAS A LONG HISTORY OF AUTHORITARIAN RULE AND INEFFECTIVE
GOVERNMENT. IT HAS EXPERIENCED MANY PERIODS OF POLITICAL
INSTABILITY SINCE GAINING INDEPENDENCE IN 1804.

HUMAN RIGHTS TRADITIONS HAVE NEVER REALLY DEVELOPED IN HAITI.

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VIOLATIONS WERE PARTICULARLY WIDESPREAD DURING THE REGIME OF THE
LATE DR. FRANCOIS DUVALIER, WHO WAS PRESIDENT OF HAITI FROM 1957
TO 1971. HOWEVER, CONDITIONS HAVE IMPROVED UNDER THE PRESENT GOVERN-
MENT LED BY HIS SON, PRESIDENT-FOR-LIFE JEAN-CLAUDE DUVALIER, WHO
HAS PLEDGED HIMSELF TO PROGRESSIVE LIBERALIZATION AND DEMOCRATIZA-
TION AS WELL AS UNDERTAKING THOROUGHGOING ECONOMIC REFORMS.

ALTHOUGH ORGANIZED POLITICAL OPPOSITION IS NOT PERMITTED, THE

GOVERNMENT RELEASED ALL REMAINING POLITICAL PRISONERS IN 1977. IT ALSO ADHERED TO THE AMERICAN CONVENTION ON HUMAN RIGHTS AND DECLARED ITS INTENTION TO RESPECT LEGAL NORMS IN THE TREATMENT OF ALL FUTURE SECURITY OFFENDERS AND OTHERS CHARGED WITH VIOLATING THE PENAL CODE. IN AUGUST OF 1978, HAITI RECEIVED A VISIT BY THE INTER-AMERICAN HUMAN RIGHTS COMMISSION, WHICH IS EXPECTED TO ISSUE A REPORT EARLY IN 1979.

2. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE

INCIDENTS OF SEVERE BRUTAL TREATMENT, VERGING ON TORTURE, HAVE OCCURRED IN HAITIAN PRISONS IN THE RECENT PAST (SEE 2B BELOW), BUT TORTURE DOES NOT APPEAR TO BE PRACTICED OR CONDONED AT PRESENT.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
BRUTALITY AS OPPOSED TO DELIBERATE TORTURE HAS BEEN USED BOTH AS PUNISHMENT FOR MINOR CRIMINAL INFRACTIONS, TO EXTRACT CONFESSIONS, AND TO IMPOSE DISCIPLINE IN PRISON. THIS PRACTICE IS A PART OF THE HAITIAN PENAL TRADITION. MOST PRISONERS RELEASED IN 1977, HOWEVER, REPORT LESS FREQUENT USE OF BRUTALITY. STRICTER CONTROL OVER GUARDS' CONDUCT HAS APPARENTLY BEEN INSTITUTED.

SANITARY CONDITIONS IN PRISONS REMAIN DEFICIENT BUT ARE BEING IMPROVED. PHYSICAL FACILITIES, MEDICAL CARE, AND DIET AT THE MAJOR PRISONS REPORTEDLY WERE IMPROVED DURING THE SUMMER OF 1978. THE NOTORIOUS HIGH SECURITY PRISON, FORT DIMANCHE, HAS NOT BEEN USED SINCE MID-1977.

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C. ARBITRARY ARREST OR IMPRISONMENT

DURING THE 1960S ARBITRARY ARREST AND IMPRISONMENT WERE PRACTICED ON A LARGE SCALE. SINCE THE EARLY 1970S PRESIDENT JEAN-CLAUDE DUVALIER HAS PROCLAIMED A POLICY OF "NATIONAL RECONCILIATION" BETWEEN THE PRESENT GOVERNMENT AND ITS OPPONENTS. ARRESTS FOR SECURITY OR POLITICAL REASONS HAVE DECLINED SUBSTANTIALLY.

IN FACT, THERE HAVE BEEN NO RECENT VERIFIABLE OR EVEN PLAUSIBLE REPORTS OF ARBITRARY ARREST FOR POLITICAL REASONS. WITH THE RELEASE IN SEPTEMBER 1977 OF 105 PERSONS, THERE ARE NO KNOWN POLITICAL PRISONERS LEFT IN HAITIAN JAILS.

D. DENIAL OF FAIR PUBLIC TRIAL

CIVIL CASES ARE HANDLED PUBLICLY UNDER FORMAL COURT PROCEDURES, ALTHOUGH THE CASE BACKLOG IS LARGE. CRIMINAL ASSIZES OPEN TO THE PUBLIC RESUMED IN 1975 AFTER A LAPSE OF MANY YEARS AND HAVE BEEN HELD REGULARLY SINCE THEN. WHEN PUBLIC TRIALS ARE HELD, DEFENDANTS CAN BE REPRESENTED BY COUNSEL AND THE PROCEEDINGS ARE USUALLY FAIR. THE CRIMINAL TRIALS OF 1976 AND 1977 RESULTED IN A NUMBER OF ACQUITTALS. NEWS MEDIA COVER SUCH TRIALS FREELY. A "STATE SECURITY TRIBUNAL" HAS BEEN ESTABLISHED WITH THE STATED PURPOSE OF ENSURING TRIALS FOR ALL FUTURE SECURITY OFFENDERS.

ARTICLE 17 OF THE HAITIAN CONSTITUTION STIPULATES THAT

ARRESTS MUST BE MADE WITH A PROPER WARRANT, AND THAT THE ACCUSED MUST BE BROUGHT BEFORE A JUDGE WITHIN 48 HOURS AFTER HIS ARREST. RARELY OBSERVED IN THE PAST, THESE PROVISIONS WERE PUBLICLY VALIDATED BY THE HAITIAN GOVERNMENT IN JULY OF 1978.

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TWO TRIALS HELD IN 1978 WERE IMPORTANT BOTH FOR THEIR PRACTICAL EFFECT AND THEIR SYMBOLIC VALUE. IN ONE, TWO MEMBERS OF THE VOLUNTEERS FOR NATIONAL SECURITY WERE FINED AND BRIEFLY JAILED FOR BEATING A BAPTIST PASTOR WHO PUBLISHED AN OUTSPOKEN JOURNAL. IN THE OTHER, AN ARMY LIEUTENANT WAS SENTENCED TO SIX YEARS IN PRISON FOR KILLING A CIVILIAN. WHILE THE SENTENCES ARE RELATIVELY LIGHT, CONVICTIONS OF SECURITY AGENTS OR MILITARY OFFICERS FOR SUCH OFFENSES WOULD NOT HAVE TAKEN PLACE DURING THE 1960S.

E. INVASION OF THE HOME
VIOLATION OF PRIVACY WAS A COMMON PRACTICE DURING THE 1960S BUT THERE HAVE BEEN NO RECENT COMPLAINTS OF SUCH VIOLATIONS.

3. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION SINCE 1971 THE HAITIAN GOVERNMENT HAS MADE INCREASED EFFORTS TO IMPROVE THE CONDITION OF LIFE IN HAITI, FOCUSING ON AGRICULTURE, PUBLIC HEALTH, INFRASTRUCTURE, AND LIGHT INDUSTRY. GOALS FOR IMPROVEMENTS IN THESE AREAS WERE SET OUT IN MULTI-YEAR DEVELOPMENT PLANS, WITH A SEPARATE DEVELOPMENT BUDGET. IN IMPLEMENTING THESE DEVELOPMENT PLANS, THE GOVERNMENT HAS BEEN ASSISTED BY BOTH MULTILATERAL AND BILATERAL AID.

THE GOVERNMENT'S DEVELOPMENT BUDGET, INCLUDING FOREIGN GRANTS AND LOANS, INCREASED OVER 300 PERCENT BETWEEN 1974 AND 1978.

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AGRICULTURAL PROJECTS HAVE EMPHASIZED INCREASED PRODUCTION AND INCOME FOR SMALL FARMERS; HEALTH PROJECTS HAVE EMPHASIZED CHILD NUTRITION, FAMILY PLANNING, AND DEVELOPMENT OF A COMPREHENSIVE RURAL SYSTEM OF PREVENTIVE MEDICINE AND BASIC HEALTH CARE. IN DEVELOPING INFRASTRUCTURE, THE GOVERNMENT HAS STRESSED RURAL HIGHWAY CONSTRUCTION, INCLUDING RURAL SECONDARY ROADS; IN EDUCATION, RURAL SCHOOL CONSTRUCTION AND CURRICULUM REFORM.

WHILE PROGRAMS AND POLICIES HAVE RECEIVED APPROVAL AND SUPPORT FROM THE MULTILATERAL AND BILATERAL DEVELOPMENT AGENCIES, IMPLEMENTATION HAS BEEN DIFFICULT AND PROGRESS SLOW. THERE HAS BEEN NO TRADITION IN HAITI OF GOVERNMENT SERVICE TO ITS CITIZENS, AND ATTITUDES MUST BE CHANGED, STAFF TRAINED, ORGANIZATIONS CREATED, AND FUNDING INCREASED. HAITI'S ECONOMIC AND SOCIAL PROBLEMS HAVE RESULTED IN A STAGNANT OR DECLINING QUALITY OF LIFE IN RURAL AREAS FOR MANY YEARS, AND PROGRESS TOWARDS REAL IMPROVEMENT REMAINS PAINFULLY SLOW. THE DIFFERENTIAL BETWEEN THE LIVING STANDARDS OF RURAL HAITIANS AND THOSE OF URBAN PORT AU PRINCE AREA HAS WIDENED IN THE LAST FIVE YEARS AS REAL INCOMES HAVE INCREASED MORE RAPIDLY IN THE CAPITAL.

IN JULY OF 1978, THE GOVERNMENT ANNOUNCED TO THE INTERNATIONAL DEVELOPMENT ASSISTANCE COMMUNITY ITS INTENTION TO INITIATE A MAJOR FISCAL REFORM AS A MEANS OF ACCELERATING HAITI'S DEVELOPMENT. THE REFORM INCLUDES BUDGETARY UNIFICATION, TAX REFORM, AND THE STRENGTHENING OF GOVERNMENT ACCOUNTING AND AUDITING. THE REFORM TERMINATES THE REVENUE-COLLECTION FUNCTIONS OF THE GOVERNMENT'S TOBACCO AND MATCH MONOPOLY AND OTHER ACCOUNTS WHICH HAVE HERETOFORE BEEN ADMINISTERED OUTSIDE THE BUDGET.

THE FISCAL REFORM PROGRAM WOULD BE THE SINGLE MOST IMPORTANT STEP THE JEAN-CLAUDE DUVALIER GOVERNMENT HAS TAKEN TO IMPROVE HAITI'S DEVELOPMENT PERFORMANCE IF IT IS EXECUTED EFFECTIVELY AND IF IT IS ACCOMPANIED BY STEADY AND SUBSTANTIAL INCREASES IN THE BUDGETS OF THE DEVELOPMENT MINISTRIES.

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4. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION, AND ASSEMBLY
ROMAN CATHOLICISM IS THE ESTABLISHED RELIGION IN HAITI.
FREEDOM OF WORSHIP IS NOT RESTRICTED IN ANY WAY.

FREEDOM OF EXPRESSION HAS BEEN GROWING BUT THERE ARE STILL GOVERNMENT RESTRICTIONS ON FREEDOM OF THE PRESS. IN THE PAST TWO YEARS THE HAITIAN NEWS MEDIA HAVE BEEN INCREASINGLY OUTSPOKEN IN DEMANDING BETTER PERFORMANCE FROM GOVERNMENT AGENCIES. IN LATE 1977, THIS TREND WAS INTERRUPTED AFTER MEMBERS OF THE PARAMILITARY MILITIA ASSAULTED THE PUBLISHER OF AN INDEPENDENT WEEKLY

WHICH HAD ACCUSED THE MILITIA OF ABUSES. THIS PAPER SUSPENDED PUBLICATION, AND ANOTHER SMALL WEEKLY WAS REFUSED PERMISSION TO PUBLISH. MEDIA CRITICISM PERSISTED NEVERTHELESS AND BY THE SUMMER OF 1978, PRESS FREEDOM WAS AGAIN ON THE UPSWING, AS EVIDENCED BY EXTENSIVE COVERAGE OF THE DOMINICAN ELECTIONS AND OF THE VISIT OF THE INTER-AMERICAN HUMAN RIGHTS COMMISSION.

HAITIANS MAY JOIN NON-POLITICAL ASSOCIATIONS, BUT WITH RESTRICTIONS. FOR EXAMPLE, MEMBERSHIP IN THE HAITIAN HUMAN RIGHTS LEAGUE IS LIMITED TO 20 PERSONS. THE SAME IS TRUE OF ALL ORGANIZATIONS NOT OFFICIALLY RECOGNIZED BY THE GOVERNMENT.

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OPPOSITION POLITICAL PARTIES AND POLITICAL ORGANIZATIONS ARE FORBIDDEN IN PRACTICE ALTHOUGH ALLOWED BY THE CONSTITUTION.

THE FEW LABOR UNIONS WHICH EXIST IN HAITI HAVE TRADITIONALLY BEEN PERMITTED LITTLE FREEDOM OF MANEUVER. IN LATE 1977, HOWEVER, AND AGAIN IN THE SUMMER OF 1978, THERE WERE SEVERAL STRIKES AND GREATER LABOR ACTIVITY. IN MOST CASES, THE WORKERS WON AT LEAST SOME OF THE DEMANDS FOR WHICH THEY WERE STRIKING. TO DATE, THE LABOR ACTIVITY HAS BEEN DIRECTED PRIMARILY AGAINST LARGE FOREIGN CORPORATIONS. LABOR DISPUTES ARE NORMALLY SETTLED THROUGH THE ARBITRATION PROCEDURES OF THE MINISTRY OF SOCIAL AFFAIRS.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

FREEDOM OF MOVEMENT IN HAITI IS NOT RESTRICTED EXCEPT FOR SECURITY REASONS NEAR BORDER AREAS. THERE IS NO PROHIBITION ON FOREIGN TRAVEL FOR MOST HAITIANS, ALTHOUGH THE GOVERNMENT DENIES EXIT AND RE-ENTRY VISAS FOR A SMALL NUMBER OF INDIVIDUALS. IN SEPTEMBER 1977 APPLICATION PROCEDURES WERE EASED FOR ALL TRAVELLERS. THE GOVERNMENT HAS EXILED INDIVIDUALS IT CONSIDERS

SERIOUS THREATS TO ITS SECURITY.

MANY HAITIANS DEPART ILLEGALLY FOR OTHER COUNTRIES, INCLUDING THE U. ., PRIMARILY FOR ECONOMIC REASONS. THOSE WHO HAVE BEEN REPATRIATED BY THE U.S. HAVE SUFFERED, TO OUR KNOWLEDGE, NO REPRISALS FOR THEIR ILLEGAL DEPARTURE.

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C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS
PARTICIPATION IN THE POLITICAL PROCESS IS SEVERELY RESTRICTED. HAITI IS A ONE-PARTY AUTHORITARIAN STATE AND THE PRESIDENT HAS TENURE FOR LIFE. ELECTIONS FOR MEMBERSHIP IN THE UNICAMERAL LEGISLATIVE CHAMBER ARE HELD EVERY SIX YEARS UNDER UNIVERSAL SUFFRAGE. SINCE THE LATE 1950S ALL MEMBERS OF THE CHAMBER HAVE BELONGED TO THE DUVALIER POLITICAL MOVEMENT.

HAITI'S NON-FRENCH-SPEAKING MAJORITY HAS RECENTLY ACQUIRED A MEANS OF MAKING ITSELF HEARD THROUGH INTERVIEWS IN CREOLE BY ROVING HAITIAN RADIO REPORTERS. HAITIAN RADIO STATIONS, INCLUDING THE GOVERNMENT STATION, HAVE SHOWN A GROWING WILLINGNESS TO BROADCAST COMMENTS, INCLUDING CRITICISMS OF LOCAL OFFICIALS, BY THE PREVIOUSLY VOICELESS MAJORITY.

5. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS.

SINCE 1977, THE HAITIAN GOVERNMENT HAS TAKEN A MORE FORTHCOMING APPROACH TOWARD HUMAN RIGHTS QUESTIONS. SOME KEY EXAMPLES ARE:

- ADHERENCE TO THE AMERICAN CONVENTION ON HUMAN RIGHTS IN SEPTEMBER 1977;
- RELEASE OF ALL REMAINING POLITICAL PRISONERS IN 1977;
- COMMITMENTS IN 1977 AND 1978 TO UNDERTAKE FAR-REACHING ECONOMIC AND ADMINISTRATIVE REFORMS WITH POTENTIALLY POSITIVE EFFECTS ON MEETING BASIC HUMAN NEEDS;
- INVITING THE INTER-AMERICAN HUMAN RIGHTS COMMISSION AND COOPERATING FULLY IN ITS INSPECTION VISIT IN AUGUST 1978;
- CALLING FOR INCREASED RESPECT OF LEGAL PROCEDURES; AND
- PERMITTING A MEASURE OF INCREASED FREEDOM OF EXPRESSION IN THE MEDIA.

THE GOVERNMENT OF PRESIDENT JEAN-CLAUDE DUVALIER, WHILE CLEARLY WISHING TO PROCEED WITH CAUTION, HAS NEVERTHELESS PUBLICLY AND REPEATEDLY PLEDGED ITSELF TO A PROCESS OF INCREASED

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LIBERALIZATION AND DEMONCRATIZATION.
IN THE ABSENCE OF VIOLENT UPHEAVAL, PROGRESS REALISTICALLY WILL BE SLOW AND DELIBERATE. NEVERTHELESS, ON BALANCE, THE FIRST STEPS HAVE BEEN ENCOURAGING.

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